

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN D. BURNS,

Plaintiff, : Case No. 3:08-cv-399
- vs - : District Judge Thomas M. Rose
COMMISSIONER OF SOCIAL SECURITY, : Magistrate Judge Michael R. Merz
: Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #8), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the case is dismissed without prejudice for want of prosecution. The clerk shall enter judgment accordingly.

April 23, 2009.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge